UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 19 AM 10: 10

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '08 MJ 1548
v.	COMPLAINT FOR VIOLATION OF:
Cruz TORRES-Gonzalez, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **May 16, 2008** within the Southern District of California, defendant, **Cruz TORRES-Gonzalez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF MAY, 2008

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Cruz TORRES-Gonzalez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On May 16, 2008, Border Patrol Agent C. Rodriguez was assigned patrol duties in the Boulevard Border Patrol Station area of operations. At approximately 7:45 a.m., Agent Rodriguez responded to a seismic intrusion device in the area of Old Highway 80. This area is approximately 25 miles east of the Tecate, California Port of Entry and approximately two miles north of the United States/Mexico International Border.

At approximately 7:50 a.m., Agent Rodriguez observed foot sign for two subjects in the area were the seismic intrusion device had been activated. Agent Rodriguez searched the area but was unable to locate anyone or anything. At approximately 7:55 a.m., Border Patrol Agent R. Melchor arrived to assist Agent Rodriguez. As Agent Melchor arrived he observed two subjects attempting to conceal themselves in some nearby brush. As Agent Melchor approached the two subjects, both subjects ran away. After a short foot pursuit, Agent Melchor and Agent Rodriguez detained the two individuals for questioning. Agents Melchor and Rodriguez identified themselves as United States Border Patrol Agents and began to question the two subjects as to their immigration status. Both subjects, including one later identified as the defendant **Cruz TORRES-Gonzalez,** freely admitted that they were citizens and nationals of Mexico without any documents allowing them to enter or remain in the United States legally. At approximately 8:00 a.m., the defendant and the other individual were arrested and transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 22, 2007** through **Paso Del Norte, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on May 17, 2008 at 10:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 16, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Anthony J. Battaglia
United States Magistrate Judge

5/17/08 12:05 pm
Date/Time